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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BENJAMIN HENDRIX,

Plaintiff,

v.

FOULK, et al.,

Defendants.

Case No. 1:20-cv-01307-AWI-JLT (PC)

**FINDINGS AND RECOMMENDATIONS
TO DISMISS DEFENDANT**

14-DAY DEADLINE

On June 3, 2021, the Court screened Plaintiff's second amended complaint and found that it states a cognizable claim of deliberate indifference against Defendant Arce but not against Defendant Santoro. (Doc. 20.) The Court therefore directed Plaintiff to file a third amended complaint curing the deficiencies in his pleading or to notify the Court that he wishes to proceed only on the claim found cognizable. (*Id.* at 7.)

On June 24, 2021, Plaintiff filed a notice that he "wishes to. . . proceed only on his deliberate indifference claim against . . . Arce and . . . dismiss . . . Santoro." (Doc. 22 at 3.) Accordingly, and for the reasons set forth in the Court's screening order (Doc. 20), the Court RECOMMENDS that Defendant Santoro be DISMISSED.

These Findings and Recommendations will be submitted to the United States District Judge assigned to this case, pursuant to 28 U.S.C. § 636(b)(1). Within 14 days of the date of service of these Findings and Recommendations, Plaintiff may file written objections with the

1 Court. The document should be captioned, “Objections to Magistrate Judge’s Findings and
2 Recommendations.” Failure to file objections within the specified time may result in waiver of
3 rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014) (citing *Baxter v.*
4 *Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

5
6 IT IS SO ORDERED.

7 Dated: **June 24, 2021**

/s/ Jennifer L. Thurston
CHIEF UNITED STATES MAGISTRATE JUDGE